IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 31ST OCTOBER 2007 / 9TH KARTHIKA 1929

Bail Appl..No. 6621 of 2007()

CR 24/07 OF CHENGANNUR EXCISE RANGE
CMP.5052/2007 of J.M.F.C.-II, CHENGANNUR

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PETITIONER/2ND ACCUSED:

ANIL, S/O. RAVI,
MADATHILPARAMBIL VEEDU, VANMAZHY MURI,
PANDANADU VILLAGE, CHENGANNUR TALUK.

BY ADV. SRI.S.HARIKRISHNAN

RESPONDENTS: COMPLAINANT:

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1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

2. THE EXCISE INSPECTOR, CHENGANNUR.

BY PUBLIC PROSECUTOR SRI. JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 31/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

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B.A.Nos.6621, 6627, 6629 &
6631 of 2007

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Dated this the 31st day of October, 2007

O R D E R

These applications by the common petitioner are for regular bail. The petitioner faces allegations under the Kerala Abkari Act in all the four cases. The c0-accused was found to be in possession of 1.5 litres of arrack on 15.9.2007, 1.7 litres of arrack on 26.10.2007, 4.5 litres of spirit on 26.10.2007 and 1 litre of arrack on 9.2.2007. It is not alleged that the petitioner was present along with the co-accused when the co-accused was apprehended. The co-accused - in three cases it is the same co-accused (A1) and in the fourth, it is a different person, allegedly furnished information to the Investigating Officer that the petitioner was the supplier of the contraband article. Accordingly the petitioner was brought on the array of accused. He surrendered long later on 27.9.2007. Investigation is in progress. Final reports have not been filed so far.

2. The learned counsel for the petitioner submits that the petitioner is absolutely innocent. He was, even admittedly, not found in possession of any contraband article. It is only the statement of the

co-accused, on the basis of which, the petitioner has been brought on the array of accused. The petitioner does not deserve to continue in custody any longer. He may now be granted regular bail, it is prayed.

3. The learned Prosecutor does not oppose the application, but submits that considering the nature of the allegations, the Investigator may be granted reasonable further time to complete the investigation.

4. Having considered all the relevant inputs, I am satisfied that the petitioners can now be directed to be enlarged on bail subject to appropriate terms and conditions.

5. In the result:

1) This application is allowed.

2) The petitioner shall be released on bail on the following terms and conditions.

(a) The petitioner shall not be released from custody on the strength of this order prior to 12.11.2007. The Investigators shall in the meantime make every endeavour to complete the investigation.

(b) He shall execute bonds for Rs.50,000/- (Rupees fifty thousand only) in each case with two solvent sureties each for the like sum to be satisfaction of the learned Magistrate.

(c) He shall make himself available for interrogation before the Investigating Officer on all Mondays and Fridays between 10 a.m. and 12 noon for a period of two months or till the final report is filed, whichever is earlier.

(R. BASANT)
Judge

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